

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANDREW R. MAY, On Behalf of Himself and All Others Similarly Situated,	)	Civil No. 1:07-CV-04819-CM
	)	
Plaintiff,	)	<u>CLASS ACTION</u>
	)	
vs.	)	<u>ELECTRONICALLY FILED</u>
	)	
TELIK, INC., MICHAEL M. WICK, CYNTHIA M. BUTITTA, UBS SECURITIES LLC, LEHMAN BROTHERS HOLDINGS, INC., BEAR, STEARNS & CO., INC., NEEDHAM & COMPANY, INC., LAZARD FRERES & CO. LLC, FORTIS SECURITIES, INC. and J.P. MORGAN SECURITIES, INC	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

KEVIN HENNESSY, Individually and On Behalf of All Others Similarly Situated,	)	Civil No. 1:07-CV-5707-CM
	)	
Plaintiff,	)	<u>CLASS ACTION</u>
	)	
vs.	)	
	)	
TELIK, INC., MICHAEL M. WICK, CYNTHIA M. BUTITTA, UBS SECURITIES LLC, LEHMAN BROTHERS HOLDINGS, INC. and J.P. MORGAN SECURITIES, INC.	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

**MOTION OF ERSTE-SPARINVEST KAPITALANLAGEGESELLSCHAFT M.B.H.  
FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL  
OF ITS SELECTION OF COUNSEL**

Institutional investor Erste-Sparinvest Kapitalanlagegesellschaft m.b.H. (“Erste-Sparinvest”) hereby moves this Court for an Order:

1. Consolidating the above-captioned actions and any later-filed related actions;
2. Appointing Erste-Sparinvest as Lead Plaintiff in the consolidated actions; and
3. Appointing the law firm of Motley Rice LLC to serve as Lead Counsel and Lieff, Cabraser, Heimann & Bernstein, LLP to serve as Liaison Counsel.

This Motion is supported by the accompanying Memorandum of Law, the accompanying Declaration of James M. Evangelista and the exhibits attached thereto, and all of the prior pleadings and proceedings had herein, and such other written and/or oral argument as may be presented to the Court.

Respectfully submitted this 6th day of August, 2007.

s/ Daniel P. Chiplock  
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP  
Steven E. Fineman, Esq. (SF – 8481)  
Daniel P. Chiplock, Esq. (DC – 1137)  
780 Third Avenue, 48<sup>th</sup> Floor  
New York, New York 10017-2024  
Tel: 212-355-9500  
Fax: 212-355-9592

[Proposed] Liaison Counsel

and

MOTLEY RICE LLC  
Lauren S. Antonino, Esq.  
James M. Evangelista, Esq. (JE – 1246)  
600 West Peachtree Street, Suite 800  
Atlanta, Georgia 30308  
Tel: 404-201-6900  
Fax: 404-201-6959

and

MOTLEY RICE LLC  
Joseph F. Rice, Esq.  
Ann K. Ritter, Esq.  
James M. Hughes, Esq.  
P. O. Box 1792 (29465)  
28 Bridgeside Boulevard  
Mount Pleasant, South Carolina 29464  
Tel: 843-216-9000  
Fax: 843-216-9450

[Proposed] Lead Counsel